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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED FOR PEACE AND JUSTICE, :  
 :  
 Plaintiff, : :

v. : 03 Civ. 810 (BSJ)

The CITY OF NEW YORK; MICHAEL :  
 BLOOMBERG, Mayor of the City of New :  
 York; and RAYMOND KELLY, :  
 Commissioner of the New York Police :  
 Department, :  
 :  
 Defendants. : :

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STATEMENT OF INTEREST OF THE UNITED STATES

The United States of America (the “United States”) respectfully submits this Statement of Interest pursuant to 28 U.S.C. § 517<sup>1</sup> to express the United States’ interest in the above-referenced action in which plaintiff seeks, inter alia, an injunction permitting it to hold a march on First Avenue directly along the perimeter of the United Nations headquarters. See Complaint, dated February 3, 2003. As set forth below, the United States has a substantial

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<sup>1</sup> Pursuant to 28 U.S.C. § 517, “any officer of the Department of Justice may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States. . . .”

interest in complying with its treaty obligations to ensure the continued security and accessibility of the United Nations to its members. The United States submits this Statement of Interest solely to apprise the Court of this significant national interest, which is implicated to the extent plaintiff seeks to march on First Avenue along the perimeter of the United Nations headquarters.

On August 8, 1945, the United Nations Charter was ratified by the President of the United States, with the advice and consent of the Senate, and came into force on October 24, 1945. See United Nations Charter, Intr.; 59 Stat. 1031, 3 Bevens 1153 (1945). Several months after the United Nations Charter was ratified, the United States invited the United Nations to establish its permanent seat in the United States, and, on December 14, 1946, the General Assembly of the United Nations resolved to locate its permanent headquarters in New York City. As a consequence, in 1947, the United States and United Nations negotiated the Agreement Between the United Nations and the United States of America Regarding the Headquarters of the United Nations, June 26-Nov. 21, 1947, S.J. Res. 144, 61 Stat. 756; 12 Bevens 956 (the “United Nations Headquarters Agreement”) (a copy of the United Nations Headquarters Agreement is annexed hereto as Exhibit A).<sup>2</sup>

The United Nations Headquarters Agreement establishes the headquarters of the United Nations in New York City and regulates the relationship between the United States and the United Nations. Pursuant to the United Nations Headquarters Agreement, the United Nations “headquarters district” includes the land area bound by 42nd Street on the south, 48th Street on the north, Franklin D. Roosevelt Drive (the “FDR”) on the east, and First Avenue on the west.

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<sup>2</sup> While the United Nations Headquarters Agreement has been amended in some respects, none of the amendments affect any of the issues raised in this Statement of Interest.

See United Nations Headquarters Agreement, Art. 1 (referencing Annex 1). As host country to the United Nations, the United States has assumed specific obligations to assure that the important business of the United Nations and the diplomatic missions connected to the United Nations can be conducted and executed without interruption. For example, the United States is obligated to ensure members and officials of the United Nations open access to and from the headquarters district. See, e.g., United Nations Headquarters Agreement, § 11.

Under the United Nations Headquarters Agreement, the United States is required to assure that the business of the diplomats and dignitaries in attendance at the United Nations can be conducted and executed without interruption or disturbance. Section 16 of the United Nations Headquarters Agreement provides, in pertinent part, that:

- (a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

United Nations Headquarters Agreement, § 16(a).

The United States Mission to the United Nations coordinates the United States' compliance with the above-described obligations. To meet these obligations, the United States Mission to the United Nations works closely with the City of New York, and in particular, the New York City Police Department. The United States Mission to the United Nations relies upon both the experience and expertise of the New York City Police Department to not only identify, but also address the unique security and access issues that arise within the vicinity of the United Nations headquarters district.

The United States' obligation to ensure the safety of the United Nations and access to the United Nations headquarters represents a substantial federal interest. Specifically, the United States must ensure the safety of and access to the United Nations headquarters district at all times, as the United Nations functions seven days a week, particularly to address threats to international peace and security. Following the events of September 11, 2001, issues involving security of and access to the United Nations headquarters must be given serious consideration. The United States respectfully submits that this interest should be heavily weighed by this Court in considering plaintiff's specific request to march on First Avenue between 42nd and 48th Streets. See, e.g., International Society of Krishna Consciousness, Inc. v. City of New York, 501 F. Supp. 684, 693 (S.D.N.Y. 1980) (rejecting plaintiff's constitutional challenge to the police department's restriction on certain activities along the east side of First Avenue between 42nd and 48th Streets after concluding that the police department had a substantial interest in protecting the United Nations headquarters and the United Nations officials).

CONCLUSION

For the reasons stated above, the United States respectfully submits this Statement of Interest and requests that the Court consider the United States' substantial federal interest in continuing to meet its obligation to ensure security and access to the United Nations and its headquarters.

Dated:           New York, New York  
                    February 8, 2003

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Andrew D. O'Toole, an Assistant United States Attorney for the Southern District of New York, hereby certify that on February 8, 2003, I caused a copy of the foregoing *Statement of Interest of the United States, dated February 8, 2003* to be served by Facsimile upon the following:

Christopher Dunn, Esq.  
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Corporation Counsel for the City of New York  
100 Church Street  
New York, New York 10007

Dated:      New York, New York  
              February 8, 2003

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